

MATTHEW J. GAUGER, Bar No. 139785
GARY P. PROVENCHER, Bar No. 250923
WEINBERG, ROGER & ROSENFELD
A Professional Corporation
428 J Street, Suite 520
Sacramento, California 95814-2341
Telephone: (916) 443-6600
Facsimile: (916) 442-0244

Attorneys for Plaintiff

MICHAEL C. SERVERIAN, SBN 133203
RANKIN, LANDSNESS, LAHDE, SERVERIAN & STOCK
96 No. Third Street, Suite 500
San Jose, California 95112
Telephone: (408) 293-0463
Facsimile: (408) 293-9514

Attorneys for Defendants

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SHAUN KINNEY,) No. 5:10-cv-00162 LHK
)
Plaintiff,)
) JOINT NOTICE OF TENTATIVE
v.) SETTLEMENT AGREEMENT
) [L.R. 16-8, ADR L.R. 6-13]
CITY OF SANTA CLARA, a California) and ORDER CONTINUING CASE
Municipal Corporation,) MANAGEMENT CONFERENCE
)
Defendant.)
)

The parties reached a tentative settlement agreement at their previously scheduled August 26, 2010 meeting with Mediator Richard D. Warren. ~~A true and correct copy of the Settlement Agreement is attached and filed herewith.~~ The Settlement Agreement provides a maximum of seventy (70) days from August 26, 2010 for the Defendant's governing body to approve the settlement, remit payment and for Plaintiff to file a Notice of Dismissal under Rule 41. The parties therefore request the Court to vacate the Case Management Conference currently set for September 3, 2010, all discovery cutoff dates and other deadlines associated with the case. The parties further request that the Court order the parties to submit a Status Report on November 9, 2010 in the event

that the parties have not filed a stipulation for dismissal by that time.

Dated: August 30, 2010

Respectfully Submitted,

WEINBERG, ROGER & ROSENFELD
A Professional Corporation

By: /s/ Matthew J. Gauger
MATTHEW J. GAUGER
GARY P. PROVENCHER
Attorneys for Plaintiff

Dated: August 30, 2010

RANKIN, LANDSNESS, LAHDE,
SERVERIAN & STOCK

By: /s/ Michael C. Serverian
MICHAEL C. SERVERIAN
Attorneys for Defendant

ORDER

Pursuant to the parties' notice of tentative settlement -- the settlement agreement was not attached -- the Case Management Conference currently set for September 3, 2010 is vacated. All discovery cutoff dates and other deadline are also vacated. A further Case Management Conference is set for Wednesday, November 24, 2010 at 2 p.m. The parties shall file a stipulation of dismissal and request to vacate the November 24, 2010 Case Management Conference by November 17, 2010.

IT IS SO ORDERED.

Dated: August 31, 2010

Lucy H. Koh
LUCY H. KOH
United States District Judge